



Patent us 222C3
Attorney Docket: 612,404-387
[formerly 267/242]

AF/600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

HELLER, Michael J.

Serial No.: 09/997,374

Filed: November 29, 2001

For: **HYBRIDIZATION OF
POLYNUCLEOTIDES CONJUGATED
WITH CHROMOPHORES AND
FLUOROPHORES TO GENERATE
DONOR-TO-DONOR ENERGY
TRANSFER SYSTEM**

Group Art Unit: 1637

Examiner: J. Fredman

RECEIVED

MAY 30 2003

TECH CENTER 1600/2900

**TRANSMITTAL LETTER FOR
NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS**

Mail Stop AF
P.O. Box 1450
Commissioner for Patents
Washington, D.C. 20231

Sir:

1. A Notice of Appeal from the Primary Examiner to the Board of Appeals and Interferences, and an Amendment and Response in connection with the matter for which this extension is requested are filed herewith.
2. An Amendment and Response After Final with extension request has been filed, a copy of which is submitted herewith.
3. The fee for filing the Notice of Appeal for a small entity under 37 C.F.R. §1.17(b) is \$160.00. A check (No. 578314) in the amount of \$160.00 is enclosed herewith for payment.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

May 22, 2003
Date of Deposit
IR1:1043738.1

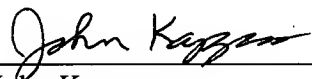
Cynthia B. Pacheco
Cynthia B. Pacheco

6. The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-0639.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 22, 2003

By: 
John Kappos
Reg. No. 37,861
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#15/ NOTICE OF APPEAL

J. ESPARTE
6-16-03

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**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board from the Final Office Action mailed November 22, 2002, finally rejecting claims 1-24.

Pursuant to 37 C.F.R. § 1.17(e), the fee for filing the Notice of Appeal by a small entity is \$160.00. The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply. Applicant has paid for a three-month extension of time with the filing of an Amendment and Response After Final, a copy of which is enclosed herewith.

05/29/2003 DTESSEM1 00000057 09997374

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160.00 0P

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

May 22, 2003

Date of Deposit
IRI:1043670.1

Cynthia B. Pacheco
Cynthia B. Pacheco

A check in the amount of \$160.00 is enclosed for payment of the requisite fees. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-0639.


Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: May 22, 2003

By: John Kappos
John Kappos
Reg. No. 37,861
Attorneys for Applicant

JCK/cp


34263
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